

Below is an order of the court.



PETER C. McKITTRICK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re:

CHRISTIAN S. RADABAUGH,
Debtor.

Case No. 18-34244-pcm11

ORDER AUTHORIZING EMPLOYMENT
OF CENTRAL OREGON LIVESTOCK
AUCTION, INC. AS DEBTOR'S
AUCTIONEER

THIS MATTER came before the Court on May 17, 2019, on the Debtor's Application to Employ Auctioneer (Central Oregon Livestock Auction) [ECF No. 168] (the "Application"). The Court having reviewed the Application and accompanying 2014 statement, the Limited Objection filed by the United States Trustee [ECF No. 176], and the Debtor's Response thereto with related declarations [ECF Nos. 178, 179 and 180], and being otherwise duly advised; now, therefore,

IT IS HEREBY ORDERED as follows:

- 1) The United States Trustee's Limited Objection is overruled, and the Debtor's Application to Employ Auctioneer (Central Oregon Livestock Auction) is approved;

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- 2) For the reasons stated on the record, the bonding requirement of 11 U.S.C. § 345(b) is waived, for cause shown;
- 3) Debtor is authorized to employ Central Oregon Livestock Auction Yard, Inc. (“COLA”) as his auctioneer on the terms set forth in the Application. COLA’s commission and expense reimbursements shall be in accordance with the following terms:

Commission Schedule:

- 5% of the initial \$1,500 of sale proceeds;
- 3.5% of sale proceeds between \$1,501 and \$15,000; and
- 3% of sale proceeds of \$15,001 and above.

Expense Reimbursement Schedule:

- Feed Costs:
 - Calves: \$3.00 per day;
 - Cows: \$4.00 per day;
 - Pairs: \$4.00 per day; and
 - Bulls: \$5.00 per day

Additional Terms Regarding Compensation:

- There is a \$20 per head minimum for commission
- “No Sale” Fee: In the event the sale is cancelled, COLA will be paid a “no sale fee” of \$10.00 per head based on the herd as represented in the bankruptcy schedules, plus or minus any changes for each notice is given in advance.

- 4) At all times, COLA shall strictly comply with the requirements of the Packers and Stockyards Act, 7 U.S.C. §§ 181-229, all amendments and additions thereto, and all related regulations, including, but not limited to, 9 CFR § 201.42 (custodial account requirement), and 9 CFR § 201.43(a) (prompt payment requirement);
- 5) To satisfy the prompt payment requirement of 9 CFR § 201.43(a), COLA shall transmit all gross auction proceeds to Counsel for GP, LLC, Howard Levine and Sussman Shank, LLP, by wire transfer using instructions provided by Counsel for GP.

6) Counsel for the GP, LLC shall hold the auction proceeds in trust, until further order of the Court directing the distribution of such proceeds.

7) Within 30 days of conducting its auction of the Debtor's assets, COLA shall provide to the Debtor for filing a report itemizing the property sold, the identity of the purchasers, and the price received for each item, in compliance with Fed. R. Bankr. P. 6004(f);

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Order Presented by:

MOTSCHENBACHER & BLATTNER, LLP

/s/ Nicholas J. Henderson

Nicholas J. Henderson, OSB #074027
Telephone: 503-417-0500
E-mail: nhenderson@portlaw.com
Of Attorneys for Debtor

Parties to Serve:

Electronic Notice: All CM/ECF Participants

Mail Service:

- Central Oregon Livestock Auction, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on the date set forth below, I served the following documents

- 1) RESPONSE TO UNITED STATES TRUSTEE'S LIMITED OBJECTION TO APPLICATION TO EMPLOY AUCTIONEER AND MOTION FOR ORDER WAIVING CERTAIN U.S. TRUSTEE REQUIREMENTS;
 - 2) DECLARATION OF NICHOLAS J. HENDERSON; and
 - 3) DECLARATION OF TRENT STEWART

on the following parties by electronic means through the Court's Case Management/Electronic Case File system:

- JONAS V ANDERSON jonas.v.anderson@usdoj.gov
 - KENNETH P CHILDS kip@childslawfirm.org, kip@childslawfirm.org
 - SARAH FLYNN sarah.flynn@usdoj.gov
 - MARTIN E HANSEN meh@francishansen.com,
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 - US Trustee, Portland USTPRegion18.PL.ECF@usdoj.gov

In addition, I served the foregoing documents on the following parties by e-mailing copies thereof to the following email addresses:

- JONAS V ANDERSON jonas.v.anderson@usdoj.gov
 - HOWARD M LEVINE hlevine@sussmanshank.com, jhume@sussmanshank.com,
 - KATHRYN PERKINS kathryn.e.perkins@usdoj.gov
 - US Trustee, Portland USTPRegion18.PL.ECF@usdoj.gov

DATED this 17th day of May, 2019.

MOTSCHENBACHER & BLATTNER LLP

/s/ Nicholas J. Henderson

Nicholas J. Henderson, OSB No. 074027
Of Attorneys for Debtor